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First, it seems doubtful whether the duty of a public servant is as extensive as is suggested by the writer. A public service company differs from other companies only in the fact that it must do business, at a uniform and reasonable rate, with any person who presents himself. Other than this it is not obvious that its liability extends beyond that of ordinary companies. Accordingly a consignee, in a case where title remained in the consignor, has been denied recovery against a carrier of goods. *Ogden v. Coddington*, 2 E. D. Smith's Rep. (N. Y.) 317, 327. Secondly, granted that the company owes a public duty, any one suing for a breach thereof must show special damage. Where damage is required to establish a cause of action, as would seem the case here, mental suffering is not such damage as the court should regard. *Wyman v. Leavitt*, 71 Me. 227; *Davies v. Solomon*, L. R. 7 Q. B. 112. The doctrine finds some slight support. *Mentzer v. Western Union Teleg. Co.*, 93 Ia. 752. But, however beneficial its application might be, it seems a complete innovation, rather than existing law applied to new circumstances. As such it is a matter for the legislature rather than the courts, and an examination of the subject leads to the belief that while existing law makes recovery possible in certain instances, uniform relief for the sendee must come by statute. *Western Union Teleg. Co. v. Ferguson*, 157 Ind. 37.

STARE DECISIS. — Although the doctrine of *stare decisis* is everywhere recognized by the courts, a great deal of confusion exists as to the occasion and extent of its application. An attempt is made in a recent article to state the proper limitations of the doctrine as applied in the United States. *The Doctrine of Stare Decisis — Its Application to Decisions Involving Constitutional Interpretation*, by William J. Shroder, 58 Central L. J. 23 (Jan. 8, 1904). The writer asserts at the outset that the rule, which under certain conditions makes the decisions of courts binding as precedents, is one of public policy based on the advantages of stability in the law. It was by reason of such a rule in the Roman law that the "decreta" and "rescripta" of the Emperor in particular cases were conclusive for all similar cases. The binding force of the precedent was assumed very early in the English law, and decisions of the House of Lords are now binding not only upon all inferior tribunals, but also upon that body itself. In considering the American doctrine of *stare decisis* the writer finds that its limitations are of two kinds, internal, or those which determine when a decision is binding as a precedent, and external, or those which determine to what extent a precedent is binding. The former, as stated, are that there must be (1) a deliberate and solemn decision, (2) made after argument, (3) on a question necessary to the determination of the case. Such a decision is a binding precedent in (4) the same court, (5) in inferior courts, (6) where the very point is again in controversy. Two external limitations are noted to the effect that a precedent is not binding, (1) when the decision is manifestly incorrect in statement or application, or (2) when the decision, although correct at the time of utterance, is rendered unsatisfactory by change of conditions. The second will be found to qualify the first where, for example, such property interests have been acquired under an incorrect statement of the law as to render a change inexpedient. Mr. Shroder's conclusion is that the rule of *stare decisis*, so limited, has the same application to constitutional decisions as to those involving private right.

THE NEGOTIABLE INSTRUMENTS LAW. — In the Michigan Law Review for January, Mr. Amasa M. Eaton recounts at length the history of this law and reviews the extended discussion to which it has given rise. 2 Mich. L. Rev. 260. The article is particularly timely since the Negotiable Instruments Law is at present before the Michigan Legislature. Commencing with the birth of the American Bar Association in 1878, the writer traces step by step the develop-